

**Remarks**

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1, 2, 5, 6, 8, 10, 13 and 15-18 are pending in the present application with claim 2 having been amended by the amendment.

**Allowable Subject Matter**

Applicant thanks the Examiner for indicating claims 6 and 10 were allowable if rewritten in independent form.

**35 U.S.C. § 102(e) Rejection**

Claims 1, 2, 5, 8, 13 and 15-18 stand rejected under 35 U.S.C. § 102(e) as anticipated by Morimoto. This rejection is respectfully traversed.

The present invention currently includes independent claims 1, 2 and 8. For example, independent claim 1 includes a combination of elements and is directed to a device for processing data recorded on an optical recording medium. The device includes a pickup unit to detect a signal reflected from the optical recording medium, in which the optical recording medium includes normal data formed in a marked phase and an unmarked phase, a minimum length of the marked phase or unmarked phase is  $2T$ ,  $T$  being a channel bit clock, and the normal data is to be restored into original data. The device also includes a signal processor to process the signal output from the pickup unit, thereby to output a binary signal which includes data

corresponding to the minimum length. Independent claims 2 and 8 include similar features in a varying scope.

The Office Action applies Morimoto as reading on the claimed invention. However, Applicant respectfully notes that Morimoto is directed to data recording on a magneto-optical (MO) medium as recited col. 7, line 39. On the contrary, as specifically recited in the independent claims, the present invention is directed to an optical recording medium. Further, the manner of recording on an optical medium is significantly different from the manner of recording on a MO medium. In more detail, Morimoto uses a solid immersion lens (SIL) which differs from the structure of a pickup unit of the present invention related to an optical recording medium. That is, the SIL lens structure uses an SIL lens under a general objective lens to reduce the size of a beam spot, whereas an optical pickup unit included in an optical recording/reproducing apparatus concentrates a beam to focus it on the recording medium by an objection lens. Thus, the present invention uses a differently-structured pickup in comparison with the SIL lens in Morimoto. That is, Morimoto is directed a magneto-optical medium using an SIL lens, whereas the present invention is related an optical recording medium using a pickup.

Accordingly, in light of the above comments, it is respectfully submitted independent claims 1, 2, and 8 and each of the claims depending therefrom are allowable.

**Conclusion**

For the foregoing reasons and in view of the above clarifying amendments, the Examiner is respectfully requested to reconsider and withdraw all of the rejections of record, and to provide an early issuance of a Notice of Allowance.

Should there be any outstanding matters which need to be resolved in the present application, the Examiner is respectfully requested to contact David A. Bilodeau, Reg. No. 42,325, (703) 205-8072, at the offices of Birch, Stewart, Kolasch & Birch, LLP, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and further replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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